

produce such books or writings, or answer such bill of discovery, it shall be lawful for the said courts, on motion, to give the like judgment for the defendant as in cases of non-suit; and if a defendant shall fail to comply with such order to produce books or writings, or to answer any bill for discovery only, it shall be lawful for the said courts, on motion as aforesaid, to give judgment against him, her or them, by default; provided, that any plaintiff or defendant may, in compliance with any rule for producing extracts of such books or papers, bring into court the original books or papers.

SEC. 7, 8. See note to sec. 1.

In certain cases defendants may lay a rule on plaintiffs for security for costs and charges

SEC. 9. *And be it enacted*, That in all cases where suits may hereafter be brought by any person or persons, non-residents of this state, or who may remove out of the state after the bringing of such suit or suits, the defendant or defendants against whom such suit may be commenced, or his, her or their attorney, may lay a rule, at or before the trial court, on such plaintiff or plaintiffs, or his, her or their attorney, to give security for all costs and charges that the said defendant or defendants may be put to in case such plaintiff or plaintiffs shall be non-suited, or judgment be given against them, and in case of non-compliance with such rule, judgment of non-suit shall be entered; provided nevertheless, that if any defendant or defendants shall lay a rule on any plaintiff or plaintiffs for security for costs at the trial court, that then and in such case the court granting said rule may, at the instance or motion of the plaintiff or plaintiffs, by his, her or their counsel, in their discretion, continue said cause until the next term.

Proviso.

When action is brought for the use of any other person, and plaintiff shall be non-suit, &c. party for whose use action was instituted to be answerable for costs.

SEC. 10. *And be it enacted*, That when any action shall be brought, and it shall be entered upon the record that such suit is brought for the use of any other person or persons, and the plaintiff or plaintiffs in such action shall discontinue or strike off his, her or their said action, or be non-suit thereon, or in case there shall be a judgment or verdict in favour of the defendant or defendants, the party or parties for whose use the action was instituted shall be answerable for the legal costs of suit, and may be proceeded against by attachment against the person or property of such party or parties for the recovery of the same, in the same manner as if he, she or they, had been entered by rule of court the security for such costs of suit.

Person not to be arrested out of the county where he resides.

SEC. 11. *And be it enacted*, That it shall not be lawful for any person whatsoever to cause any inhabitant of this state to be arrested out of the county where he or she doth reside, by virtue of any *capias ad respondendum*, or *capias ad satisfaciendum*, for any debt, damage or cost, until the sheriff or coroner of the county where such defendant shall reside shall have returned a *non est inventus* on a *capias ad respondendum*, or *capias ad*